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|------------------------------------|
| U.S. DISTRICT COURT - N.D. OF N.Y. |
| <b>FILED</b>                       |
| AUG 31 2020                        |
| AT _____ O'CLOCK _____             |
| John M. Domurat, Clerk Syracuse    |

United States District Court  
Northern District of New York.

Jeremy Joseph Reynolds  
Plaintiff

9:20-CV-0686  
(TJM/ML)

✓

J. O'Gorman, et. al.,  
Defendant

### Amended Complaint

Plaintiff Demands a trial by Jury

Plaintiff in the above-captioned action alleges as follows.

Fourth Amendment - Equal Protection, Due Process.

Eighth Amendment - Cruel and unusual Punishment.

### Jurisdiction

1. This is a civil action seeking relief/or Damages to defend and protect the rights guaranteed by the Constitution of the United States. This action is Brought Pursuant to 42 U.S.C § 1983 The court has Jurisdiction over this action Pursuant to 28 U.S.C §§ 1331, 1343 (3) and (4) and 2201.

2.

### Parties

Plaintiff: Jeremy Joseph Reynolds

Address 594 Route 216

Stormville NY 12582

3.1. Defendant: J. O'Gorman.  
Official Position: Deputy Commissioner  
Address: New York Dept. of Correctional, Albany NY.

2 Defendant: A. Cuomo  
Official Position: Governor of New York.  
address: state capitol, Albany NY

3 Defendant: A. Annucci  
Official Position: Director of Special Housing  
address: Dept. of Correctional, Albany NY

4. Defendant: T Stone  
Official Position: Co  
address: Clinton Corr. Facility  
Po Box 2001, Dannemora NY 12929

5. Defendant: K. Wood  
Official Position: Co  
address: Clinton Corr. Facility  
Po Box 2001, Dannemora NY 12929

6. Defendant: N. BOLA  
Official Position: Co  
address: Clinton Corr. Facility  
Po Box 2001, Dannemora NY 12929

7. Defendant: Bell  
Official Position: Superintendent  
Po Box 2001, Dannemora NY 12929

8. Defendant: Zarniak

Official Position: DSS

address: Clinton Corr. Facility,  
Po Box 2001 Dannemora NY 12929

9. Defendant: Delutis

Official Position: Capt.

address: Clinton Corr. Facility  
Po Box 2001 Dannemora NY 12929

10. Defendant: ~~Hold~~ Holdrige

Official Position: DSS

address: Clinton Corr. Facility  
Po Box 2001 Dannemora NY 12929

11. Defendant: Bradford

Official Position: 1<sup>st</sup> Dep.

address: Clinton Corr Facility  
Po Box 2001, Dannemora NY 12929

12. Defendant: Trombley

Official Position: D.S.A

address: Clinton Corr. Facility  
Po Box 2001 Dannemora NY 12929

13. Defendant: J. Ormsby

Official Position: CO

address: Clinton Corr. Facility  
Po Box 2001, Dannemora NY 12929

14. Defendant: B. ~~Mc~~ McIntyre

Official Position: CO

address: Clinton Corr. Facility  
Po Box 2001, Dannemora NY 12929

15. Defendant: S. Sirkavich  
Official Position: CO  
address: Clinton corr. Facility  
PO Box 2001, Dannemora NY 12929
16. Defendant: A. Christon  
Official Position: CO  
address: Clinton corr Facility  
PO Box 2001, Dannemora NY 12929
17. Defendant: D. Smith  
Official Position: CO  
address: Clinton Corr Facility  
PO Box 2001, Dannemora NY 12929
18. Defendant: N. Darras  
Official Position: CO  
address: Clinton corr. Facility  
PO Box 2001, Dannemora NY 12929
19. Defendant: D. Bombarier  
Official Position: ~~Sgt.~~ Sgt.  
address: Clinton corr Facility ~~A~~  
PO Box 2001, Dannemora NY 12929
20. Defendant: P. Clancy  
Official Position: CO  
address: Clinton Corr. Facility  
PO Box 2001, Dannemora NY 12929
21. Defendant: K. Randall  
Official Position: SGT  
address: Clinton corr Facility  
PO Box 2001, Dannemora NY 12929

22. Defendant: Z. Reese

Official Position: CO

address: Clinton Corr. Facility

Po Box 2001, Dannamora NY 12929

23. Defendant: D. Duquette

Official Position: SGT,

address: Clinton Corr. Facility

Po Box 2001, Dannamora NY 12929

24. Defendant: T. James

Official Position: SGT

address: Clinton Corr. Facility

Po Box 2001, Dannemora NY 12929

25. Defendant: T. King

Official Position: ~~Sgt~~ SGT

address: Clinton Corr. Facility

Po Box 2001 Dannemora NY 12929

26. Defendant: D. Provost

Official Position: CO

address: Clinton Corr Facility

Po Box 2001, Dannemora NY 12929

27. Defendant: M. McShane

Official Position: CO

address: Clinton Corr. Facility

Po Box 2001, Dannemora NY 12929

28. Defendant: ~~W. Leclair~~ W. Leclar

Official Position: SGT

address: Clinton Corr. Facility  
Po Box 2001, Dannemora NY 12929

29. Defendant: T. Baxter

Official Position: CO

address: Clinton Corr. Facility  
Po Box 2001, Dannemora NY 12929

30. Defendant: S. Gonyo

Official Position: CO

address: Clinton Corr. Facility  
Po Box 2001, Dannemora NY 12929

31. Defendant: J. Nephew

Official Position: CO

address: Clinton Corr. Facility  
Po Box 2001, Dannemora NY 12929

32. Defendant: L. Forkey

Official Position: CO

address: Clinton Corr. Facility  
Po Box 2001, Dannemora NY 12929

33. Defendant: M. Carter

Official Position: CO

address: Clinton Corr. Facility  
Po Box 2001, Dannemora NY 12929

34. Defendant: M. Ashline

Official Position: CO

address: Clinton Corr. Facility  
Po Box 2001, Dannemora NY 12929

35. Defendant. A. Cymbrak  
Official Position: Co  
address, Clinton Corr. Facility  
Po Box 2001, Dannemora NY 12929

36. Defendant, L. Whalen  
Official Position, E.M.P  
address, Clinton Corr. Facility  
Po Box 2001, Dannemora NY 12929

37. Defendant, ~~C. Deltis~~ C. Deltis  
Official Position Capt.  
Official address, Clinton Corr. Facility  
Po Box 2001, Dannemora NY 12929

38. Defendant, J. Mahan  
Official Position, Co  
address, Clinton Corr. Facility  
Po Box 2001, Dannemora NY 12929

39. Defendant, Swenny  
Official Position, A.D.S  
address, Clinton Corr Facility  
Po Box 2001, Dannemora NY 12929

4 Place of present confinement, Green haven corr. Facility  
594 Route 216  
Stormville NY 12585

A. Is there a Prisoner grievance Procedure at this Facility? Yes

B. If your answer to 4-A is yes, did you Present the Facts  
of your Complaint in this grievance Program? Yes.

(II) What was the Final result regarding your complaint? None as  
 It's been over a year with no response from C.O.R.C. and I wrote  
 them many letters and there is no other appeal option open to me.  
 If your answer to H-C is No why did you not choose to  
 not complain about the facts relating to your complaint in such  
 prison? I did ~~en~~ complain and filed all grievance steps with no  
 response from C.O.R.C.

5. Previous Lawsuits? None.

A. have you filed other lawsuits or Federal Courts Regarding  
 your complaint? No

B. If your answer to 5-A is yes you must describe any and  
 all lawsuits, currently pending or closed, in the space  
 below? None

(I) Parties to Previous lawsuits? None.

(II) Court (if Federal court, name District; if state court  
 name County? None.

(III) Docket Number? None

(IV) Disposition of State or Federal Courts? None.

(V) ~~No~~ Name of Judge to whom case was assigned? None

(VI) Approximate date of disposition? None

(6). Facts of lawsuit

Set forth the facts of your case which substantiate  
 your claim of violation of your civil and/or constitutional  
 rights. List the events in the order they happened.



(I) IF yes what steps did you take. I filed multiple grievances one on 6-12-19 then again on 6-13-19 and again on 6-15-19 and the last grievance I wrote was on 7-1-19. I sent all grievances to inmate grievance Resolution Committee (IGRC) as I did not get a response within 16 days I filed a appeal on 7-3-19 to Superintendent Bell. I was not satisfied with his response so appealed to C.O.R.C. They have not responded in over 12 months, I've tried to exhaust my Remittys and as there is no other grievance appeal left to me and the policy is so open. I have no more Remittys open to me.

(II) what was the final result of your grievance? It's been over a year with no response, and I wrote C.O.R.C. in Albany on 8-20-19 by us mail. Then have wrote every 3 months by mail. with no response at all.

If your response to 4-B is no why did you choose not to present the facts relating to your complaint to the grievance program? I did report it.

C: If there is no grievance procedures in your institution did you complain to prison authorities about the facts alleged in your complaint? I filed grievance and also complained to authorities.

(I) what steps did you take? I filed multiple grievances with IGRC then filed a appeal to Superintendent Bell then appealed to ~~IGRC~~ C.O.R.C. and wrote to Albany C.O.R.C. with no response in over 12 months.

Naming defendants involved, Dates and Places.

Notice: you must ~~include~~ included allegations of wrongful conduct as to Each and Every defendant in your Complaint.

on 6-11-2019 at approximately 4:40 pm while housed at the Clinton corr. Facility, in the main yard. 3 Black inmates attacked inmate Blanchard. Co Ashline gave the order (to get on the ground and stop fighting. which I did.) The Black inmates (that I don't have their names of due to Foil would not release them. Keep assaulting inmate Blanchard. at this time Co's Sgt Sgt Bomradier observed a four man fight broke out on the Flats of the North yard, he activated a lever, via Facility Radio. The Co's D. Provost, fired one state issued Rund or Projectile into the yard, at which time all inmates got onto the ground and stopped fighting. Co D. Provost used excessive Force by firing a Round in to a group of inmates that was already on the ground. Co D. Provost fired into a group of inmates that had no part in this 4 man fight. I was not part of this four man fight and the officer used excessive Force on me and other inmates. Violating my ~~Eighth~~ Eighth amendment - cruel and unusual Punishment as I was on the ground and not part of the fight. This Co's acted wantonly and in Bad Faith, by firing into a crowd of inmates that had complied to orders of Co Ashline. Co Ashline could clearly see that Co D. Provost was firing at inmates that was not involved in the 4 man fight. This action caused me Pain & Suffering as I've got Breathing troubles.

Then inmates stop fighting and got on the ground, yet Co J. Ormsby fired one Round into the inmates. Co Ormsby's fired Round was excessive Force and violates my Eighth - amendment - cruel and unusual Punishment.

at this time Co's, McShane, Co Stone, Co K. Wood, Co Provost Co Provost fired 6 more Rounds one of which hit me in the face and knocked out one of my Teeth and caused Pain and Suffering, also swelled my right eye closed. The officers K. Wood Co Stone and Co Provost used excessive Force on me and other inmates which caused Pain and a

great deal of pain, at the time all inmates was on the ground and cos J. Ormsby, Co McShane, Co Stone, Co K wood, Co Provost all violated my Eighth amendment rights. cruel and unusual Punishment.

at this time all inmates was on the ground and complying with orders of Co Ashline, Cos Ashline and Sgt. Bomardied did not stop this use of Force on inmates that did not have anything to do with the Fourman Fight. Co Ashline and Sgt Bomardied did not stop this. They violated my Eighth amendment rights of cruel and unusual Punishment. As they did not stop cos from firing rounds at inmates that did not do anything.

thru cos T. Stone, K wood, N Bolo, J. Ormsby, B. McIntyre, Co S. Siskavich, Co A Christon, Co D. Smith, Co W. Darras

Co-Sgt D. Bombarier, Co. P. Clancy, Co K Rendell - Sgt.

and Co. ~~Z. Reese~~ Z. Reese, Co-Sgt. T. James, Co-Sgt T. King Co's, M. McShane, Co-Sgt W. Lecler, Co T Baxter, Co S. Gomyo

Co. J. Nephew, Co. L. Forkey, Co. M. Carter, M. Ashline,

Co A. Cymbark, Co-capt C. Deltis, Co. J. Maham all reported

to Clinton main yard to provide security & safety. at this time 2 Black John Doe inmates attacked inmate Ryan with weapons all officers fled the yard. when it was plain to see that white inmates was being targeted by groups of Black inmates Co. T Stone violated my Eighth amendment rights of ~~equal~~ equal protection by abandoning his duty to protect.

Co K. Wood violated my Eighth amendment rights by abandoning his duty to protect. Co ~~A. Bolo~~ N. Bolo violated my Eighth amendment rights of equal protection by abandoning his duty to protect. Co J. Ormsby violated my Eighth amendment rights by not providing equal protection. Co B. McIntyre violated my Eighth amendment rights of equal protection by not providing protection and abandoning his duties. Co S. Siskavich did not provide equal protection, he violated my Eighth amendment rights. Co A Christon did not provide equal protection by abandoning his post and duties.

Co. D. Smith did not provide protection, he abandoned his duty and violated my Eighth amendment rights by not providing me with equal protection. Co. W. Darras did not provide equal protection and subjected me to cruel and unusual punishment, violating my Eighth amendment rights. Sgt Z. Reese did not provide equal protection and violated my Eighth amendment rights by abandoning his duties. Sgt T. James violated my Eighth amendment by subjecting me to cruel and unusual punishment, by abandoning his duty. Sgt T. King abandoned his duties and violated my Eighth amendment rights by abandoning his duties.

Co J. McShane, Co-Sgt W. Lecler, Co. Capt. Baxter, Co S. Gonyo, Co J. Nephew, Co L. Forkey, Co M. Carter, M. Ashline, Co - J. Nephew, Co A. Cymbark, Co, C. Delts, Co J. Maham all abandoned their duty to provide safety and security by abandoning their duties. They all violated my Eighth amendment rights of cruel and unusual punishment & Equal Protection.

Only after the upoved named Co's abandoned their duties was I attacked. It was reasonable to assume and John Doe inmate would of been provided an equal protection under similar circumstances. I received a number of physical injuries, including 3 6" Razer cuts, 3 broken right ribs, a collapsed lung and numerous other injuries. all because the above named Cos. did not act with any reasonable regard to my safety. As I sat on the ground it was clear to see that white inmates was being targeted, and all ~~above~~ above named Co's could see that was the case, after all above named Co's left the yard was I attacked by John Doe inmates, about 20 in all. As I was knocked unconscious I don't have much memory of this. Co could easily see it was only the white inmates being attack. and any other inmate under the

Same Contusions would of Been Protected by all named co's.

mainly of this ~~was~~ <sup>inmates</sup> had weapons in the Yard.

at no time was there any Reasonable threat to co's named. as I woke up co were standing over me. at this time co Chagnon escorted me to hosp. 1st Floor. as I was

comming in I compained to Supt Bell, DSS Zarnitz, Capt. Delutis, DSS holdridge, 1st Dep. Bradford, DSA-Thombley and Sgt D. Bombardier, Sgt. K. Randall,

co- Sgt D. Duquette, Sgt T. James, co Sgt T. King co Sgt W. Leclair, Emp. L. Whalen, Capt C. Delutis

That I was in Jourd and could not walk. at this time Supt. Bell Violated me Eighth amendment rights to Be Free off unusal Punishment. DSS ~~holdridge~~ holdridge

treated me with deliberirite in deffrance and violated my Eighth amendent. rights. 1st Dept Bradford treated me with crual and unusal Punishment by seeing I was Hurt and in pain and making me walk to the hosp. he violated my Eighth amendment rights. DSA-Sgt W.-Leclair treated my indetfontly and with crual and unusal Punishment by seeing my pain and making me walk to infurmory. he violated my Eight amondment by crual and unusal Punishment, and in deffrance.

E.M.P. ~~Whalen~~ L. Whalen treated me indifrent by making me walk to the infurmory. and Violated my Eighth amendment rights. Cppt D. Delutis also treated me with indifrance and crual and unusal Punishment in violation of my Eithgt amendment Rights.

I was then taken to the outside hospital and treated.  
~~I had 3 Broken right Ribs~~ at Champlain Valley Physicians  
 hospital. I had 3 Broken Right Ribs. 3 6" cuts to my  
 Back that took 13 stitches to close. Swanton check, Number  
 6 Bottom tooth Loose and lots of other Lacerations caused  
 By 20 or more inmates attacking me with weapons  
 why I Named Cos did Not do anything to Stop the  
 asult on me, were any other inmate could of Reasonable  
 Been protected by the Name staff.  
 I was returned after it was discovered I had  
 a colaped lung. I Spent 15 hr in E.R and then  
 Spent 3 days on the 3rd Floor of Prison hosp. before  
 I was returned to the main prison at Clinton.  
 at that time I was served a tire 3 ticket.  
 went to hearing wear A.D.S. ~~Swenny~~ Swenny did  
 may hearing. she did it at Clinton on 6-17-19 and used  
 statements of Cos and video footage. she did Not provide  
 me a Fair and in parshal hearing as I pointed out in  
 the video I was never Fighting, never Not complying  
 with orders, and Not causing a disturbance. The  
 video used clearly shows this. So A.D.S. Swenny  
 Violated my Fourteenth amendment, by Being UnFair  
 and in parshal. this is a Due process Violation.  
 she did Not relie of facts that showed I did Not  
 Violate any Rules. Namely the video.  
 I recived 60 days Keeplock, as The conditions  
 of my cell did Not met standerd and I'm a  
 mental heath level 2 inmate this time was



atypical and was a mental hardship to me with I can show in my mental health files, It was not fair and I suffered great mental pain because ADS. Swenny was impartial and unfair. This hearing was at Clinton on 6-17-2019, Tape # 19-787 held by ADS Swenny on 6-17-2019 and completed on 6-20-2019 at Clinton. I was given 60 days keep lock and lose of all privileges. I appealed to D. Venetozzi on 6-21-2019. The appeal was ~~not~~ turned over. But D. Venetozzi was made aware of my unlawful treatment and did not take action. He violated my Eighth amendment rights of equal protection. On 6-23-19 I wrote to J. O'Borman the Deputy Commissioner and he did not take action violating my Eighth amendment rights of equal protection. I wrote him by US mail. On 6-23-19 I wrote to A. Cuomo the governor of New York and he did not respond or take action for my unlawful treatment he violated my Eighth amendment. The grievance process is so ~~open~~ <sup>opaque</sup> that it leaves the grievance process unavailable to ~~be~~ <sup>me</sup>. It's opaque it's been over a year with no response by C.O.R.C. I've wrote lots of letters trying to get response. And there is no other appeal options open.

End statement!

## 7. Causes of Action

Note you must clearly state each cause of action ~~asserted~~ you assert in this lawsuit.

### First Cause of action.

Officers did not provide me protection. I received in Jorys because CO's treated me differently. and as a result I was harmed. They left the yard when it was clear white inmates were being targeted.

### Second Cause of action

Because I was not given a fair hearing I received 60 days keep lock that was harsh. and only on appeal was it reversed because the hearing officer was in partial.

### Third Cause of action.

I still suffer and have P.T.S.D. because of the officers treating me wrong. and violating my rights.



8. Prayer For Relief

Wherefor, Plaintiff requests that this Court grant the following Relief: 7,000,000<sup>00</sup> in Damages and 5,000,000 in Punitive Damages.

I declare under penalty of Perjury that the foregoing is true and correct.

Date ~~8-18~~ 9-18-2020

Jeremy Reynolds

Signature of Plaintiff